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6 Attorneys for Defendants
JOHNSON & JOHNSON SERVICES, INC.; JOHNSON &
7 JOHNSON (erroneously sued as "Johnson & Johnson, Inc.") and
DEPUY ORTHOPAEDICS, INC.; PINNACLE WEST
8 ORTHOPAEDICS, INC.; GOLDEN STATE ORTHOPAEDICS, INC.

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 GERALDINE BARSOTTI,
13
14 Plaintiff,

15 vs.

16 JOHNSON & JOHNSON SERVICES,
INC.; JOHNSON & JOHNSON, INC.;
17 DEPUY ORTHOPAEDICS, INC.;
THOMAS SCHMALZRIED, M.D.;
18 PINNACLE WEST ORTHOPAEDICS,
INC.; GOLDEN STATE
19 ORTHOPAEDICS, INC.; AND DOES
ONE through ONE HUNDRED,
20 Defendants.

Case No. 3:15-cv-03603-EMC

**STIPULATION TO STAY ALL
PROCEEDINGS**

[Filed concurrently with [Proposed] Order]

Complaint Filed: June 23, 2015

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23 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

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1 The parties to this action¹, by and through the undersigned counsel, stipulate to stay all
 2 proceedings in this case pending a decision by the Judicial Panel on Multidistrict Litigation
 3 (“Panel”) on the transfer of this case to *In re DePuy Orthopaedics, Inc. Pinnacle Hip Implant*
 4 *Products Liability Litigation*, MDL Docket No. 2244, which is currently pending before Judge Ed
 5 Kinkeade in the United States District Court for the Northern District of Texas. A stay of this
 6 action will preserve the resources of the Court and all the parties involved. All parties agree that
 7 a stay of proceedings is necessary and appropriate to achieve the judicial economies that underlie
 8 28 U.S.C. § 1407 and that the burden of duplicative litigation weighs heavily in favor of staying
 9 proceedings pending MDL transfer.

10 The parties further stipulate that deadlines to any outstanding responsive pleading are
 11 extended pending entry of a Scheduling Order in the MDL court addressing responsive pleadings
 12 and the deadline to file any remand motion is extended pursuant to the MDL court's August 14,
 13 2012 “Order Regarding Cases Removed from State Court,” and any subsequent orders that the
 14 MDL Court may issue.

15 For the foregoing reasons, the parties respectfully request that the Court grant their
 16 stipulation to stay all proceedings in this action pending its likely transfer to MDL 2244.

17 Respectfully submitted,
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23 ¹ Although Johnson & Johnson Services, Inc., Johnson & Johnson (erroneously sued as
 24 “Johnson & Johnson, Inc.”), Thomas Schmalzried, M.D., Pinnacle West Orthopaedics, Inc. and
 25 Golden State Orthopaedics, Inc. join in the filing of this stipulation, Johnson & Johnson Services,
 26 Inc., Johnson & Johnson, Thomas Schmalzried, M.D., Pinnacle West Orthopaedics, Inc. and
 27 Golden State Orthopaedics, Inc. expressly preserve all of their defenses, including lack of
 28 personal jurisdiction. Johnson & Johnson Services, Inc., Johnson & Johnson, Thomas
 Schmalzried, M.D., Pinnacle West Orthopaedics, Inc. and Golden State Orthopaedics, Inc.
 recognize that the MDL court will be best suited to oversee all overlapping issues in the Pinnacle
 Cup System cases.

1 Dated: August 11, 2015

**WALKUP MELODIA KELLY &
SCHOENBERGER**

2
3 By /s/ Khaldoun A. Baghdadi
4 Khaldoun A. Baghdadi
5 Spencer Pahlke
6 Attorney for Plaintiff GERALDINE BARSOTTI

7 Dated: August 11, 2015

BARNES & THORNBURG LLP

8 By /s/ Kelley S. Olah
9 David C. Allen
10 Kelley S. Olah
11 Attorneys for Defendants
12 JOHNSON & JOHNSON SERVICES, INC.;
13 JOHNSON & JOHNSON (erroneously sued as
14 "Johnson & Johnson, Inc."); DEPUY
15 ORTHOPAEDICS, INC.; PINNACLE WEST
16 ORTHOPAEDICS, INC.; and GOLDEN STATE
17 ORTHOPAEDICS, INC.

18 Dated: August 11, 2015

SEDGWICK LLP

19 By /s/ Christopher P. Norton
20 Ralph A. Campillo
21 Wendy A. Tucker
22 Christopher P. Norton
23 Attorneys for Defendant
24 THOMAS SCHMALZRIED, M.D.

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ONE through ONE HUNDRED,

20 Defendants.
21
22

Case No. 3:15-cv-03603-EMC

**[PROPOSED] ORDER RE STIPULATION
TO STAY ALL PROCEEDINGS**

Complaint Filed: June 23, 2015

23 TO ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

24 Upon consideration of the Stipulation to Stay Proceedings submitted by Plaintiff
25 GERALDINE BARSOTTI, and Defendants JOHNSON & JOHNSON SERVICES, INC.,
26 JOHNSON & JOHNSON (erroneously sued as "Johnson & Johnson, Inc."), DEPUY
27 ORTHOPAEDICS, INC., PINNACLE WEST ORTHOPAEDICS, INC., GOLDEN STATE
28 ORTHOPAEDICS, INC., and THOMAS P. SCHMALZRIED, M.D. (hereafter collectively "the

Parties”); upon consideration of all documents, files, and pleadings in this action; and upon good cause shown, it is hereby ORDERED that:

1. The Parties’ request for a stay of proceedings is GRANTED;
2. All proceedings in this action are hereby stayed, pending a decision by the Judicial Panel on Multidistrict Litigation on whether this case should be transferred to In re DePuy Orthopaedics, Inc. Pinnacle Hip Implant Products Liability Litigation, MDL Docket No. 2244.
3. Deadlines relating to any outstanding responsive pleading are extended pending entry of a Scheduling Order in the MDL court addressing responsive pleadings and the deadline to file any remand motion is extended pursuant to the MDL court's August 14, 2012 “Order Regarding Cases Removed from State Court,” and any subsequent orders that the MDL Court may issue.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8/13, 2015

